

## LAND USE BOARD: MAIN APPLICATION

The following application is made to the City of Lowell Division of Development Services in accordance with the provisions of The Code of Ordinances, City of Lowell, Massachusetts, Chapter 270, Zoning Code.

### 1. Application Information

Date: \_\_\_\_\_

Address of Property Location: 104 Mariposa Ave  
Owner: Jose M. Nealon Telephone No. 978-970-5333 Email: famapas@hotmail.com

Second Owner (if applicable): Rosa Nealon Telephone No. 978-970-5333 Email: JWNIRMAN@comcast.NH

Address (if different) \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Applicant: (If different from Owner): \_\_\_\_\_ Telephone No: \_\_\_\_\_

Email: \_\_\_\_\_ Title (Tenant/Lessee/Purchaser/Etc.): \_\_\_\_\_

Address \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Owner's Agent (if applicable): \_\_\_\_\_ Telephone No. \_\_\_\_\_

Email: \_\_\_\_\_ Title: (Attorney/Architect/Contractor/Etc.): \_\_\_\_\_

Address \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

### 2. Please check all Board/Commission Approval(s) sought:

\_\_\_\_\_ The applicant is requesting the following from the Planning Board (Please also complete and attach the appropriate form)

- ☒ Site Plan Review (See Site Plan Review Supplement Form)
- ☐ Special Permit (See Main Special Permit Supplement Form)
- ☐ Preliminary Subdivision Approval (See Preliminary Subdivision Supplement Form)
- ☐ Definitive Subdivision Approval (See Definitive Subdivision Supplement Form)
- ☐ Planned Residential Development
- ☐ Endorsement of a Plan thought not to Require Approval (ANR) (See Main Special Permit Supplement Form)
- ☐ Repetitive Petition (See Main Special Permit Supplement Form)

\_\_\_\_\_ The applicant is requesting the following from the Zoning Board (Please also complete and attach the appropriate form)

- ☐ Special Permit (See Main Special Permit Supplement Form)
- ☒ Variance (See Variance Supplement Form)
- ☐ Appeal of Building Commissioner's Determination

\_\_\_\_\_ The applicant is requesting approval from the Historic Board (Please also complete and attach the appropriate form):

- ☐ Downtown District
- ☐ Acre District
- ☐ Other Neighborhood District - Please Specify: \_\_\_\_\_

\_\_\_\_\_ The applicant is requesting the following from the Conservation Commission (Please also complete and attach the appropriate form):

- ☐ Request for Determination of Applicability (RDA)
- ☐ Notice of Intent (NOI)

\_\_\_\_ Abbreviated Notice of Resource Area Delineation (ANRAD)  
\_\_\_\_ Certificate of Compliance (COC)  
\_\_\_\_ Other (Please Specify): \_\_\_\_\_

**3. Property Information** (Applies to Planning Board and Zoning Board applicants only):

Zoning District of Property: SSF

Type of Structures (Existing and Proposed on Property):

Residential: E \_\_\_\_ P \_\_\_\_ Commercial: E \_\_\_\_ P \_\_\_\_ Industrial: E \_\_\_\_ P \_\_\_\_

Institutional: E \_\_\_\_ P \_\_\_\_ Other: \_\_\_\_\_

Parking Spaces: Existing \_\_\_\_ Proposed \_\_\_\_ Estimated Project Cost: \_\_\_\_\_

Land Area Square Feet: \_\_\_\_\_ Building Area Square Feet: \_\_\_\_\_

Number of Stories: \_\_\_\_ Number Of Dwelling Units: E \_\_\_\_ P \_\_\_\_ Ave. Unit Size (sqft) \_\_\_\_\_

Occupied: \_\_\_\_ Partially Occupied: \_\_\_\_ Vacant: \_\_\_\_ Vacant Land: \_\_\_\_\_

**4. Notification Requirements: Mailing of Abutter Notices**

All applicants will be responsible for submitting abutters notice mailings to meet notification requirements under MGL Ch. 40A. Certificate of Mailing(s) notice shall be submitted to Development Services staff at least two weeks prior to the scheduled public hearing. It is the applicant/petitioner's responsibility to obtain a list of certified abutters and must apply for the list with the Assessor's Office. The Assessor's Office will prepare and certify the list of abutters located within a 300-foot radius\*. The applicant will be notified by the Assessor's Office when the list is ready. There is an administrative fee for the certified abutters list.

**Request for Permit Signs**

All of the following applications are required to post a Request for Permit Sign:

- Special Permit, Site Plan Review and Subdivision Applications from the Planning Board
- Special Permit and Variance Applications from the Zoning Board of Appeals
- New Construction Projects from the Historic Board

Request for Permit Signs must meet the following standards:

- The sign shall include the following information:  
NOTICE: REQUEST FOR PERMIT  
Address of Property:  
Type of Permit: (special permit, site plan review, subdivision, variance, etc.)  
Specific information about the project: (type of use, number of units, size of commercial space, etc.)  
Proposed Use of Property:  
Date, Time and Place of a Public Hearing.  
For additional information, contact the City of Lowell at:  
Division of Development Services, City Hall, Room 51, 375 Merrimack Street, Lowell, MA 01852  
Phone: (978) 674-4252,  
City Website: [www.lowellma.gov](http://www.lowellma.gov)
- The sign shall include a copy of the site plan or plot plan submitted with the permit application.
- The sign shall be made of wood or metal. Size of said sign shall be a minimum of 3 feet by 4 feet.
- The applicant shall notify the City of Lowell in writing that the sign has been erected and where located.
- The sign shall be posted 14 days prior to the opening of the public hearing.

**Submit all required materials to:**

Division of Development Services, City Hall, Room 51, 375 Merrimack Street, Lowell, MA 01852

NOTE: Projects greater than 1 acre (43,560 square feet) is required to apply for a NPDES Permit. Please refer to <http://cfpub.epa.gov/npdes/> for more information.

\* Radius is different for Linear Projects or projects on land greater than 50 acres filing a Notice of Intent. If falling under this, please discuss with Development Services prior to ordering an Abutters List from the Assessors Office.



- Utilities: Location and dimensions of utilities, including water, surface drainage, sewer, fire hydrants and other waste disposal,
- Elevations/Architectural Plan(s): Architectural plan(s) which shall include the floor plan and architectural elevations of all proposed buildings and/or additions to establish views of the structure or structures from the public way and adjacent properties. (Will be required for projects involving new construction, additions or exterior renovations)

- \_\_\_\_ C. Filing fees as established by the Lowell Zoning Board and Lowell City Council.
- \_\_\_\_ D. A narrative addressing how the project meets the Variance Criteria as stated in Section 11.2.3 of the zoning ordinance (please see requirements listed on page 3 of this form.)
- \_\_\_\_ E. A certified list of abutters within 300 feet of the site (from the City Assessor's office)
- \_\_\_\_ F. One copy of the Deed, Purchase and Sales, Lease or other document that shows the applicant's relationship to the Property.
- \_\_\_\_ G. One copy of the plans and other supporting materials in Portable Document Format (PDF)

NOTE: If submitting drainage calculations or other backup engineering data, only two (2) copies of this information are required, as well as one (1) electronic copy in HYDROCAD file format.

**\*\*\*Impact study(ies) or other documentation may also be requested by the Planning Board**

**4. Authorization (Must be Signed by the Owner of the Property)**

I am the record owner of the property for which this application is being filed and as such, I am familiar with the work that is proposed for my property.

I agree to provide visual evidence of the Request for Permit Sign posted on the project property to Development Services in accordance with the City of Lowell Zoning Ordinance.

I hereby give permission for this application to be filed with the full understanding that certain restrictions may be placed on the property relative to the approval of the proposed work.

I further certify that under the penalties of perjury, I am authorized to sign this application.

Name (Please Print): Jose W. Negrón  
 Title: Record Owner of Property  
 Signature: Jose W. Negrón  
 Date: \_\_\_\_\_

If representing a group, corporation, or other organization please attach a copy of the vote authorizing you to act on behalf of such organization for the purposes of this application.

**Submit all required materials to:**

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Phone: (978) 674-4252 or (978) 674-4144

City Website: [www.lowellma.gov](http://www.lowellma.gov)

### Zoning Code Sections Referencing Variances Issued by the Board of Appeals

**11.2.3 Variance Prerequisites.** If the application for a variance does not conflict with the foregoing prohibition, variances can only be granted by the Board of Appeals if it finds that owing to circumstances relating to soil conditions, shape or topography of land and especially affecting such land but not affecting generally the zoning district in which the land is located and a literal enforcement of the provisions of the zoning Ordinance would involve substantial hardship to the petitioner or appellant and relief can be granted without substantial detriment to the public good and without nullifying or derogation from the intent and purpose of this zoning Ordinance.

1. The Board of Appeals must find all these prerequisites before it can consider granting a variance. A failure to establish any one (1) of them is fatal.

jurisdictional conditions precedent exist:

A. Special hardship: "owing to circumstances relating to the soil conditions shape or topography of such land or structures and especially affecting such land or structures but not affecting generally the zoning district

B. Public good: "desirable relief may be granted without substantial detriment to the public good"

C. Intent of zoning satisfied: "without nullifying or substantially derogating from the intent of zoning"

### **11.2.4 Applicants must submit a plan containing the following data:**

(Applicants applying also for site plan review need to meet the application standards for site plan review)

- a. It shall be drawn at a scale of one (1) inch equals twenty (20) feet unless another scale is requested and found suitable by the Board;
- b. The plan shall be prepared by a registered land surveyor, professional engineer or architect;
- c. The scale, date and north arrow shall be shown;
- d. The plan shall be certified by the land surveyor doing the boundary survey and the professional engineer or architect on the location of the building(s) setbacks, and other required dimensions, elevations, and measurements and further that the plan be signed under the penalties of perjury;
- e. The corner points of the lot\* and the change of direction of lines to be marked by stone monuments, cut in stone, stake and nail, iron pin, or other marker, and shall be so marked;
- f. Lot\* number, dimensions of lot\* in feet, size of lot in square feet, and width of abutting streets and ways;
- g. Easements within the lot\* and abutting thereon;
- h. The location of existing and proposed building(s) on the lot;
- i. The dimensions of the existing and proposed building(s) in feet;
- j. The distance in feet of existing and proposed building(s) from the lot lines;
- k. The distance between buildings on the same lot;
- l. The percent of the lot\* area covered by the building(s);
- m. The average finished grade at each building;
- n. The elevation above average finished grade of the floor and ceiling of the lowest floor of each building;
- o. Topographical lines at one-foot intervals;
- p. The use of designation of each building or part thereof, and of each section of open ground, plaza, or useable roof space;
- q. Quantities and locations of existing and proposed parking spaces;
- r. Height of each building above average finished grade;
- s. Number of apartments, hotel rooms, meeting rooms, and restaurant and theater seats;
- t. Total square feet of floor space for each use;
- u. Dimensions and size in square feet of all landscape and recreation areas, and depiction of materials to be used (grass, five-foot shrubs, etc.).

\* Refers also to series of contiguous lots under single ownership.

**Disclaimer: This page provides information regarding some pertinent sections of the Zoning Ordinance. It is provided for informational purposes only, and should not be construed as an official zoning document. Consult a certified copy of the complete zoning ordinance for official zoning regulations of the City of Lowell**





# ZONING BOARD OF APPEALS: VARIANCE SUPPLEMENT

William Bailey  
Chairman

The following application is made to the City of Lowell Zoning Board of Appeals in accordance with the provisions of The Code of Ordinances, City of Lowell, Massachusetts, Chapter 270, Zoning Code.

*Department 104 Merrimack Ave*

## 1. Application Information

Please check all that apply:

The applicant is requesting relief from the zoning board or Appeals from the following section(s) of the City Zoning Code. Please note specific standard that is sought to be varied:

- ☒ Article 5.1: Dimensional Requirements \_\_\_\_\_
- ☐ Article 5.2: Special Dimensional Regulations \_\_\_\_\_
- ☐ Article 5.3: Open Space Regulations \_\_\_\_\_
- ☐ Article 6.1: Off-Street Parking Requirements \_\_\_\_\_
- ☐ Article 6.2: Loading Requirements \_\_\_\_\_
- ☐ Article 6.3: Sign Regulations \_\_\_\_\_
- ☐ Article 6.5: Landscaping Requirements \_\_\_\_\_
- ☐ Article 6.7: Driveway Regulations \_\_\_\_\_
- ☐ Other: \_\_\_\_\_

## 2. Other Required Review(s)

\*The applicant shall be required to also fill out the appropriate application/ addendum for any other relief being sought from a City of Lowell Board.

## 3. Variance Submission Requirements

If the applicant is requesting a variance, the applicant must provide the following:

Please check off that all items are enclosed:

- ☒ A. Completed Main Application and Site Plan Review Supplement (this form)
- ☐ B. One original of adequate plans to allow the Board to address the project and the standards for issuing the permit. Plans must meet the standards outlined in the City of Lowell Zoning Code (the only exception to this is for requests related solely to Special Permits for signage – Please see ZBA: Signage Addendum). In general, Plan(s) shall be drawn at a scale 1" = 20" on one full size plans set (24" by 36" sheets) with the rest as half size plans. Plans shall be drawn by a registered land surveyor, professional engineer, architect or landscape architect, as appropriate. Plans shall be submitted on at least the following separate sheets:
  - ☐ Existing Conditions
  - ☐ Proposed Site Layout

The following may also be requested on separate sheets by the Board

- Landscape/Lighting Detail: Location and type of external lighting; Location, type, dimensions and quantities of landscaping and screening.

To: Judith Tymom, Senior Planner  
Department of Planning & Development  
City Hall, 375 Merrimack Street, 2<sup>nd</sup> Floor  
Lowell, MA 01852

From: Jose & Rosa Negron

104 Mariposa Ave

Lowell, MA 01851

Re: 104 Mariposa Ave-Subdivision

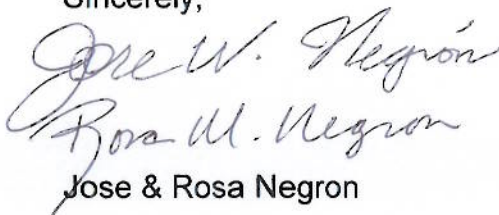
Date: June 22, 2016

Dear Ms. Tymom:

This letter is to better explain the intention of our plans to subdivide our current land. The total land that we have at the moment including where the existing house sits is 17,300 Sq. Ft. The required lot size for our district (SSF) is 10,000 SF; the proposed lot size is 7,300 SF, we are looking for 2,700sf relief. The required frontage is 90 feet the proposed lot has 73 feet; we are looking for 17 feet of frontage relief. The required side set backs are 10 feet, and the proposed lot has 10.25 feet. Required front and back setback is 25 feet; the proposed lot has 25 feet to the front and 26.7 to the rear. The proposed lot will have 18' x 25' off street parking and approximately 1,700 SF of green open space to the back, not counting front and sides.

The hardship that we are facing is that when the lots were subdivided back in the days, the proposed lot did not get equal frontage or lot square footage. Our goal is to sell our existing house to a family member and build a non-detrimental to the neighbors three bedrooms cape or split for ourselves. We are not subdividing to make any type of profit. We've lived in this neighborhood for about fifteen years and we don't want to move anywhere from Lowell.

Sincerely,

  
Jose & Rosa Negron





## ZONING BOARD OF APPEALS: VARIANCE SUPPLEMENT

William Bailey  
Chairman

The following application is made to the City of Lowell Zoning Board of Appeals in accordance with the provisions of The Code of Ordinances, City of Lowell, Massachusetts, Chapter 270, Zoning Code.

Property Location: 104 Main Street Ave

### 1. Application Information

Please check all that apply:

The applicant is requesting relief from the Zoning Board of Appeals from the following section(s) of the City Zoning Code. Please note specific standard that is sought to be varied:

- ☒ Article 5.1: Dimensional Requirements \_\_\_\_\_
- \_\_\_\_\_ Article 5.2: Special Dimensional Regulations \_\_\_\_\_
- \_\_\_\_\_ Article 5.3: Open Space Regulations \_\_\_\_\_
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- \_\_\_\_\_ Article 6.7: Driveway Regulations \_\_\_\_\_
- \_\_\_\_\_ Other: \_\_\_\_\_

### 2. Other Required Review(s)

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### 1. Application Information

Date: \_\_\_\_\_

Address of Property Location: 104 Mariposa Ave

Owner: Jose W. Negrón Telephone No. 978-970-5333 Email: fammas@hotmail.com

Address (if different) \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Second Owner (if applicable): Rosa Negrón Telephone No. 978-970-5333 Email: JWNRMN@comcast.net

Address (if different) \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Applicant: (If different from Owner): \_\_\_\_\_ Telephone No: \_\_\_\_\_

Email: \_\_\_\_\_ Title (Tenant/Lessee/Purchaser/Etc.): \_\_\_\_\_

Address \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Owner's Agent (if applicable): \_\_\_\_\_ Telephone No. \_\_\_\_\_

Email: \_\_\_\_\_ Title: (Attorney/Architect/Contractor/Etc.): \_\_\_\_\_

Address \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

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\_\_\_\_\_ The applicant is requesting the following from the Planning Board (Please also complete and attach the appropriate form)

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\_\_\_\_\_ The applicant is requesting approval from the Historic Board (Please also complete and attach the appropriate form):

- ☐ Downtown District
- ☐ Acre District
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\_\_\_\_\_ The applicant is requesting the following from the Conservation Commission (Please also complete and attach the appropriate form):

- ☐ Request for Determination of Applicability (RDA)
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\_\_\_\_\_ Abbreviated Notice of Resource Area Delineation (ANRAD)  
\_\_\_\_\_ Certificate of Compliance (COC)  
\_\_\_\_\_ Other (Please Specify): \_\_\_\_\_

**3. Property Information** (Applies to Planning Board and Zoning Board applicants only):

Zoning District of Property: SSF

Type of Structures (Existing and Proposed on Property):

Residential: E \_\_\_\_\_ P \_\_\_\_\_ Commercial: E \_\_\_\_\_ P \_\_\_\_\_ Industrial: E \_\_\_\_\_ P \_\_\_\_\_

Institutional: E \_\_\_\_\_ P \_\_\_\_\_ Other: \_\_\_\_\_

Parking Spaces: Existing \_\_\_\_\_ Proposed \_\_\_\_\_ Estimated Project Cost: \_\_\_\_\_

Land Area Square Feet: \_\_\_\_\_ Building Area Square Feet: \_\_\_\_\_

Number of Stories: \_\_\_\_\_ Number Of Dwelling Units: E \_\_\_\_\_ P \_\_\_\_\_ Ave. Unit Size (sqft) \_\_\_\_\_

Occupied: \_\_\_\_\_ Partially Occupied: \_\_\_\_\_ Vacant: \_\_\_\_\_ Vacant Land: \_\_\_\_\_

**4. Notification Requirements: Mailing of Abutter Notices**

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- New Construction Projects from the Historic Board

Request for Permit Signs must meet the following standards:

- The sign shall include the following information:

NOTICE: REQUEST FOR PERMIT

Address of Property:

Type of Permit: (special permit, site plan review, subdivision, variance, etc.)

Specific information about the project: (type of use, number of units, size of commercial space, etc.)

Proposed Use of Property:

Date, Time and Place of a Public Hearing.

For additional information, contact the City of Lowell at:

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Phone: (978) 674-4252,

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- The sign shall include a copy of the site plan or plot plan submitted with the permit application.
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- Utilities: Location and dimensions of utilities, including water, surface drainage, sewer, fire hydrants and other waste disposal,
- Elevations/Architectural Plan(s): Architectural plan(s) which shall include the floor plan and architectural elevations of all proposed buildings and/or additions to establish views of the structure or structures from the public way and adjacent properties. (Will be required for projects involving new construction, additions or exterior renovations)

- \_\_\_\_ C. Filing fees as established by the Lowell Zoning Board and Lowell City Council.
- \_\_\_\_ D. A narrative addressing how the project meets the Variance Criteria as stated in Section 11.2.3 of the zoning ordinance (please see requirements listed on page 3 of this form.)
- \_\_\_\_ E. A certified list of abutters within 300 feet of the site (from the City Assessor's office)
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I agree to provide visual evidence of the Request for Permit Sign posted on the project property to Development Services in accordance with the City of Lowell Zoning Ordinance.

I hereby give permission for this application to be filed with the full understanding that certain restrictions may be placed on the property relative to the approval of the proposed work.

I further certify that under the penalties of perjury, I am authorized to sign this application.

Name (Please Print): Jose W. Negron  
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If representing a group, corporation, or other organization please attach a copy of the vote authorizing you to act on behalf of such organization for the purposes of this application.

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### Zoning Code Sections Referencing Variances Issued by the Board of Appeals

**11.2.3 Variance Prerequisites.** If the application for a variance does not conflict with the foregoing prohibition, variances can only be granted by the Board of Appeals if it finds that owing to circumstances relating to soil conditions, shape or topography of land and especially affecting such land but not affecting generally the zoning district in which the land is located and a literal enforcement of the provisions of the zoning Ordinance would involve substantial hardship to the petitioner or appellant and relief can be granted without substantial detriment to the public good and without nullifying or derogation from the intent and purpose of this zoning Ordinance.

1. The Board of Appeals must find all these prerequisites before it can consider granting a variance. A failure to establish any one (1) of them is fatal.

2. The Board of Appeals is authorized to grant a variance from zoning ordinances only if each of the following jurisdictional conditions precedent exist:

A. Special hardship: "owing to circumstances relating to the soil conditions shape or topography of such land or structures and especially affecting such land or structures but not affecting generally the zoning district"

B. Public good: "desirable relief may be granted without substantial detriment to the public good

C. Intent of zoning satisfied: "without nullifying or substantially derogating from the intent of zoning"

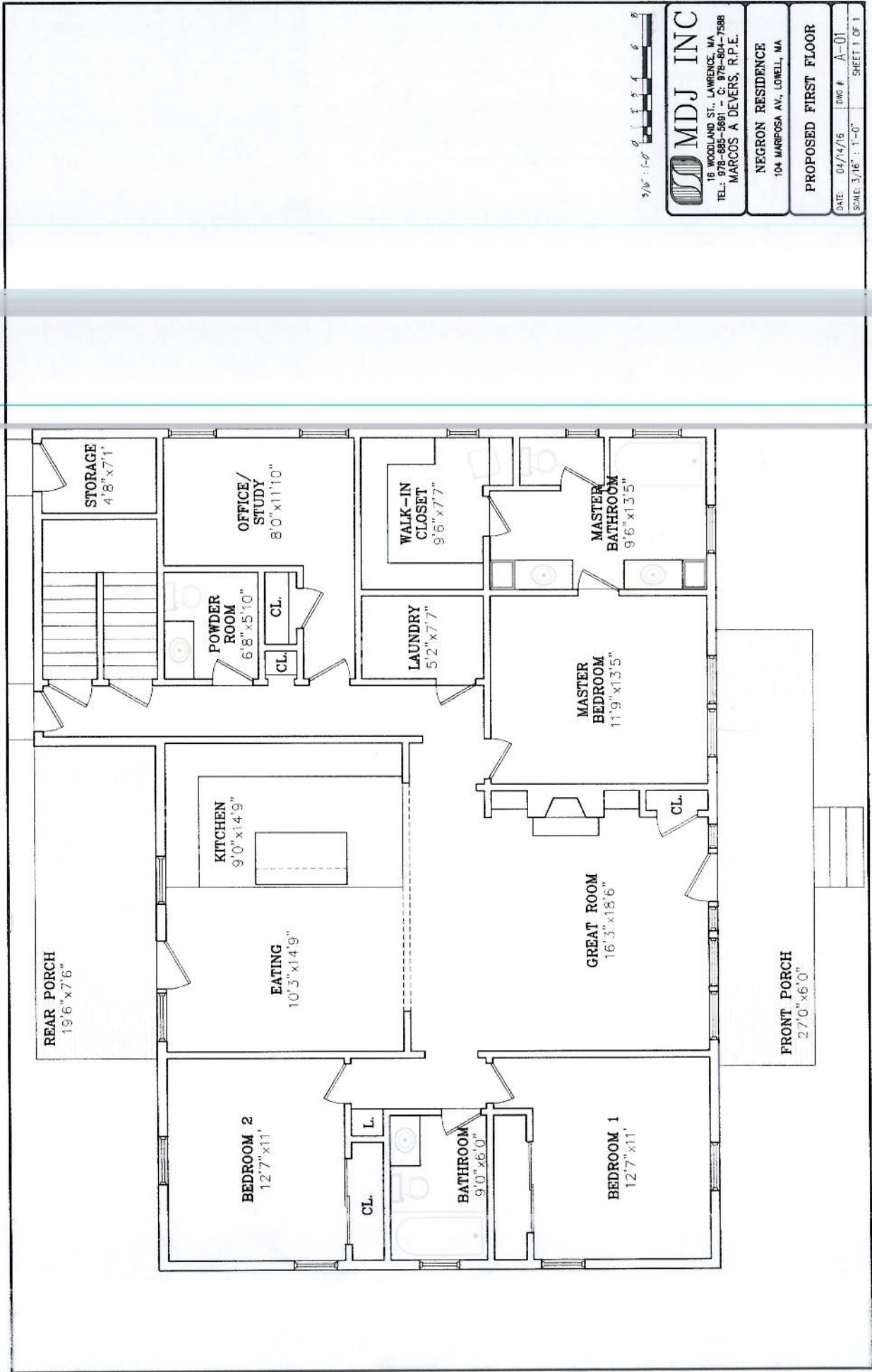
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(Applicants applying also for site plan review need to meet the application standards for site plan review)

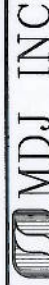
- a. It shall be drawn at a scale of one (1) inch equals twenty (20) feet unless another scale is requested and found suitable by the Board;
- b. The plan shall be prepared by a registered land surveyor, professional engineer or architect;
- c. The scale, date and north arrow shall be shown;
- d. The plan shall be certified by the land surveyor doing the boundary survey and the professional engineer or architect on the location of the building(s) setbacks, and other required dimensions, elevations, and measurements and further that the plan be signed under the penalties of perjury;
- e. The corner points of the lot\* and the change of direction of lines to be marked by stone monuments, cut in stone, stake and nail, iron pin, or other marker, and shall be so marked;
- f. Lot\* number, dimensions of lot\* in feet, size of lot in square feet, and width of abutting streets and ways;
- g. Easements within the lot\* and abutting thereon;
- h. The location of existing and proposed building(s) on the lot;
- i. The dimensions of the existing and proposed building(s) in feet;
- j. The distance in feet of existing and proposed building(s) from the lot lines;
- k. The distance between buildings on the same lot;
- l. The percent of the lot\* area covered by the building(s);
- m. The average finished grade at each building;
- n. The elevation above average finished grade of the floor and ceiling of the lowest floor of each building;
- o. Topographical lines at one-foot intervals;
- p. The use of designation of each building or part thereof, and of each section of open ground, plaza, or useable roof space;
- q. Quantities and locations of existing and proposed parking spaces;
- r. Height of each building above average finished grade;
- s. Number of apartments, hotel rooms, meeting rooms, and restaurant and theater seats;
- t. Total square feet of floor space for each use;
- u. Dimensions and size in square feet of all landscape and recreation areas, and depiction of materials to be used (grass, five-foot shrubs, etc.).

\* Refers also to series of contiguous lots under single ownership.

**Disclaimer: This page provides information regarding some pertinent sections of the Zoning Ordinance. It is provided for informational purposes only, and should not be construed as an official zoning document. Consult a certified copy of the complete zoning ordinance for official zoning regulations of the City of Lowell**



3/16" = 1'-0"



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TEL: 978-685-5803 - C: 978-804-7588  
MARCOS A DEVERS, R.P.E.

NEGRON RESIDENCE  
104 MARIPOSA AV., LOWELL, MA

PROPOSED FIRST FLOOR

DATE: 04/14/16 DWG # A-01  
SCALE: 3/16" = 1'-0" SHEET 1 OF 1



